



News

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Interior Department approves Recordable Disclaimer for Porcupine River

Anchorage-Bureau of Land Management Alaska State Director Henri Bisson confirmed today that the federal government has no valid interest to approximately 214 miles of the riverbed underlying navigable waters of the Porcupine River.

The State of Alaska applied for the bed of the Porcupine River from its mouth at the Yukon River to a point between monuments 50 and 51 on the United States-Canada International Boundary. The State also applied for lands underlying Rock Slough, Middle Channel, Henderson Slough, Joe Ward Slough, Six Mile Slough, Nine Mile Slough, and Curtis Slough, as well as lands underlying “all interconnecting sloughs between the lines of ordinary high water” of the Porcupine River. Deputy Assistant Secretary for Land and Minerals Management Chad Calvert signed the decision to issue a recordable disclaimer of interest acknowledging that the federal government has no interest in the riverbed.

Under federal law, whether a body of water is navigable or not determines whether the state or federal government owns the submerged lands. The State of Alaska asserts these water bodies are navigable, and as such, ownership passed on the date of statehood.

The final decision approves the State of Alaska’s application for a recordable disclaimer of interest for lands underlying the Porcupine River. The decision does not approve of the State’s application for “interconnecting sloughs,” due to insufficient evidence, or for the 60-foot wide neutral strip of land, reserved at the time of statehood, which encompasses a small portion of the Porcupine River near the International Border.

In 1976, Congress gave the Interior Department discretionary authority under Section 315 of the Federal Land Policy and Management Act to issue recordable disclaimers of interest. A recordable disclaimer of issue is a document that it issued without resorting to the federal courts, to remove a cloud on the title to lands when a determination has been made that such lands are not of the United States and United States does not hold a valid interest in the lands.

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